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6 Trustee in Bankruptcy

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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 In re

Case No. 16-41815 RLE
Chapter 7

12 FARAJOLLAH JENNATI ATAIE aka
13 ROGER ATAIE aka BIBI BAZAAR and
FARZANEH P. ATAIE aka FARZI ATAIE,

14 Debtors.
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17 **EX PARTE APPLICATION FOR ORDER ADVANCING HEARING ON**
MOTION TO CONVERT CASE

18 Marlene G. Weinstein, Chapter 7 Trustee, files this application for an order advancing a
19 hearing on the motion of the Debtors to convert the case to a Chapter 13 case.

20 On September 19, 2016, the Debtors filed a motion to convert their case under 11 U.S.C.
21 §706(a) to a Chapter 13 case.

22 On September 28, 2016, the Trustee filed opposition to the motion. On September 30,
23 2016, the Debtors served notice that the hearing on the motion and the Trustee's opposition would
24 be held on October 19, 2016.

25 The Trustee was attempting to market 3226 Ensenada Drive in San Ramon, California, for
26 sale at the time the Debtors filed their motion. The Trustee concluded that sale was in the best
27 interest of the estate and its creditors.

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1 As set forth in detail in the Trustee's opposition to the motion to convert and her
2 application for a supplemental order under 11 U.S.C. §521, the Debtors have interfered with the
3 Trustee's attempt to market the property and have failed to cooperate with the Trustee and
4 surrender property to the Trustee as required by 11 U.S.C. §521(a)(3) and (4).

5 The Debtors' motion was filed and served under Rule 1017-1(b) of the Bankruptcy Local
6 Rules for the Northern District of California which requires objections to be filed within 14 days
7 of service of the motion to convert. The 14th day was October 3, 2016. The hearing has been
8 scheduled for October 19, 2016.

9 By this application, the Trustee is requesting that the Court advance the hearing on the
10 motion to convert to October 12, 2016.

11 The Trustee believes that having the hearing earlier will benefit both the Trustee and the
12 Debtors. The interest in purchase of the property is very high. On October 6, 2016, the Trustee
13 received from her broker an all-cash offer at the listing price of \$769,000. But for the uncertainty
14 caused by the motion to convert, the Trustee would have accepted the offer subject to Court
15 approval and overbid.

16 If the Court is inclined to grant the motion and convert the case, it would be better for the
17 Trustee to know earlier than later. If the Court is not inclined to convert the case, that also would
18 be better to know now so that the Trustee can reinstate the listing on the Multiple Listing Service,
19 accept an offer and get the overbid and approval process underway.

20 Counsel for the Trustee has contacted Scott Jordan, counsel for the Debtors. Mr. Jordan
21 has agreed that the hearing may be advanced to October 12, 2016, on the Court's 2:00 p.m.
22 calendar.

23 DATED: October 7, 2016

DENTONS US LLP

24
25 By:



Charles P. Maher

Counsel for Marlene G. Weinstein, Chapter 7 Trustee